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S E C R E T SECTION 01 OF 02 FREETOWN 000085

SIPDIS

DEPARTMENT FOR AF/W (JHUNTER/ESPRUILL)
BRUSSELS FOR DEA (TSCARANTINO)
DOJ FOR DEA/OS/OSE (MCMANAMON/LENARTOWICZ)

E.O. 12958: DECL: 03/06/2019

TAGS: [SNAR](#) [PGOV](#) [PREL](#) [SL](#)

SUBJECT: COCAINE CASE NEARLY IMPLODES: PRESIDENT INTERVENES

REF: A. FREETOWN 78

[1](#)B. FREETOWN 23

Classified By: Ambassador June Carter Perry for reasons 1.4 (b/d)

[1](#)1. (S/NF) Summary: On March 5, emboffs learned from a well-placed source within the government that the Attorney General (AG) had secretly secured a deal with the foreign defendants in the cocaine case to grant their release in exchange for USD 2.5 million. According to our knowledge of the deal, the defendants were to change their pleas to "guilty" on March 6, be sentenced to a fine, and then be released/deported. Ambassador spoke with Foreign Minister Zainab Bangura on the evening of March 5, who immediately contacted President Koroma in India. Bangura later relayed a message from Koroma to the Ambassador -- no decisions will be made in this case until the President returns next week. His message appears to have also reached the ears of the judiciary; on March 6, Justice Browne-Marke adjourned proceedings in the case until March 13. While this is a positive result in terms of USG interests, we will need to tread softly with the government until the expulsion requests have been honored. The President is clearly cognizant of the importance of the case and plans to honor the promise he made to Ambassador on February 27 (reftel A), but the AG could create new obstacles. End Summary.

THE DEAL: LINING POCKETS AS WELL AS GOVERNMENT COFFERS

[1](#)2. (S/NF) Source revealed to emboffs on March 5 that the AG had been engaged in negotiations with the defense teams for several weeks. His initial overtures requesting USD 2 million per foreigner were deemed outrageously high, and they eventually settled on USD 2.5 million for the entire group of international accused (Note: The deal does not include the Sierra Leonean defendants, though Ahmed Sesay could likely afford to broker a similar deal. End Note). Source informed emboffs that once the Department of Public Prosecutions (DPP) rested their case as planned on March 6, the defendants, who initially refused to plea, would change their pleas to "guilty," pay their fine, and be free to go. Source was unclear on the mechanics of the deal, how and if money had already changed hands, how much of the money would go to the AG personally, and if the release would include deportation.

[1](#)3. (S/NF) Source said that the deal was agreed to on February 20, but was reticent to share this information with either USG or UK representatives. Source later determined that this type of corrupt practice could not be tolerated and came forward, but remains fearful that the information leak will be linked to him/her, and that there will be reprisals. The UK received the information early in the day on March 5, and SOCA-London shared the information with DEA officials. The

Freetown-based SOCA representative, however, did not/not share the information with emboffs directly.

PRESIDENTIAL ACTION

¶4. (S/NF) Ambassador spoke to Foreign Minister Bangura on March 5, who contacted the President on his trip to India. Earlier in the day at a meeting of diplomatic corps COMs, Bangura stated that the President had traveled to India the night before, and that "they had even taken his cell phone from him" to guarantee he relaxed on his trip (Note: The first post heard of the trip was in a State House press release on March 5. This press release was corrected on March 6 to say that Koroma is visiting the Indian Prime Minister, and not merely vacationing, which the first release implied. End note). Bangura later informed the Ambassador that Koroma had stated that no action would be taken in the case while he was away. While the subsequent lines of communication are unknown, his edict must have reached the AG or the Chief Justice, resulting in Browne-Marke granting an unexpected one-week adjournment.

REACTIONS IN COURT

¶5. (S/NF) The defendants seemed surprised by the adjournment, though it is difficult to fully observe their reactions from the vantage point of the courtroom's public gallery. Browne-Marke adjourned the session to give the DPP "time to

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assess if they want to call an additional witness before they close their case," and was on the bench for less than ten minutes - the shortest court session in the case's history. Several of the foreign defendants, including Quintana-Perez and Perez, spoke with their lawyer following the adjournment, and also appeared to speak at-length with the courtroom interpreter. Other defendants appeared unconcerned. Emboffs noted that the defense teams were primarily represented by junior barristers, with one senior attorney arriving to court just as Browne-Marke departed. Given that the source said that the defense teams are all owed significant amounts of money, upwards of USD 200,000, as well as information post received about the limited funds available to support the defense (reftel B), their lack of engagement is unsurprising. Post expects additional information from sources within the defense on March 6.

POTENTIAL RAMIFICATIONS

¶6. (S/NF) Though the AG's actions appear corrupt, he can protest his innocence by refuting the source's claims, or stating that he is brokering a legal plea agreement. Post is confident that the only government officials aware of the USG expulsion requests to date are the President, Assistant to the President, Foreign Minister, and Deputy Foreign Minister. The AG is thus unaware of the promises made, and the impact this deal would have on those promises. He can, and likely will, state that he was operating with imperfect information and was acting lawfully in the best interests of the case and country.

¶7. (S/NF) Koroma's quick actions to ensure the proceedings stay on-course will likely necessitate bringing the AG into the fold on the expulsions. While this may not have any deleterious impact, particularly if the AG and others are informed that we plan to remove the three accused after the judgment (making them still responsible for paying any fines), he could deliberately erect legal roadblocks to serve his own interests or simply inform the defense teams of the plans. Though post has no information to suggest that the expulsions are counter to Sierra Leonean law, the AG may find

or create issues depending on how well the defendants are willing to compensate him for his services. Impossible to read or predict, the AG could create problems where there previously were none. If this occurs, however, Koroma would likely override him to meet his own objectives.

COMMENT: MOVING FORWARD

18. (S/NF) Post believes that Koroma was unaware of the deal until informed by the Foreign Minister. This trial is an important political and diplomatic tool for the President; to demonstrate to Sierra Leoneans that he is tough on criminal issues, and to the international community that he will not abide or accept narco trafficking in his country. A release, even with a sizable fine attached, would weaken his image domestically and abroad, giving the impression that money will sway him from his principles. The media would skewer him for releasing the foreigners, given that the court of public opinion has already found them guilty and deserving of jail-time, as well as question the purpose and validity of the National Narcotics Control Act, which was rushed into law specifically for the purpose of trying these defendants. The President will lose political capital if the defendants are allowed to buy their way out of a jail sentence. Post is also confident that Koroma would not make an empty promise to honor the expulsion requests, and risk the ire of the USG. His ability to quickly assert discipline, even from India, is a good sign that he will be able to keep the corrupt elements of his Cabinet and government at bay, at least until the expulsions have taken place.

19. (S/NF) Post has and continues to believe that the AG will stop at nothing to end the career of the President, his long-time rival, and will gladly take whatever money the defendants are offering for his assistance. However, recognizing the President's need to save face in this situation, the best course of action is to discuss the deal as a legal plea bargain with all government interlocutors, allow the President to reassert his authority upon his return from India, and prepare for expulsions to take place earlier than initially targeted. End Comment.
PERRY